IN PURSUANCE of an order of the Surrogate

of the County of New-York, Notice is hereby given to all
persons having using against PATRICK GALLAHAN, into
of the City of New-York, deceased, to present the same with
reacher thereof to the subscribers, at the office of their Atterusy, JAMES W. WHITE, No. 5! Liberty et., in the City of
Row-York, the third day of June, 1854. jest sawdin

Dated, New-York, the third day of June, 1854. jest sawdin

DENIS McCARTHY
BARTHOLOMEW CALLAHAN, Administrators.

BARTHOLOMEW CALLAHAN Administrators.

SUPREME COURT.—CITY and COUNTY of NEW-YORR—JASPER F. CROPSEY, Pisitriff, against J. P. DELGADO, Defendant—Summons for many demand as contract.—(Com new ser.)—To J. P. DELGADO, the said befondant if you we herely summoned and required to answer the complaint in this action, which will be filed in the office of the Clerk of tine Gity and County of New-York, at the City Hall in said city of New York, and to serve a copy of your answer to the complaint on the subscriber, at this office, No. 20 Chapmers et , in said City, within twenty days after the service of the said complaint on the clark of each service; and if you fail to answer the said complaint within the time afore-said, the plaintiffs will take judgment for the sum of one hon-sized and fifty collars, with interest from the 25th day of September, one thousand eight humbred and fifty four, besides the center of this section—Dayed Oct-ther 2, 1854.

SAMUEL C. GERGOW, Plaintiff's Automay, and the aforested complaint in the above-cutilet action, was filed in the said effect of the City of the City and County of New York, on the 25th day of November, A. D. 1851.

SAMUEL C. GERGOW, Plaintiff's Automay, and Its and County of New York, on the 25th day of November, A. D. 1851.

SUPPREME COURT.—JOHN LIDDLE against the 15th Automay for Relief. (Com. not Sex.)—To the defendant, JOSEPH D. ANDRE VS and JAMES MCNEICE—Summong for Relief. (Com. not Sex.)—To the defendant, JOSEPH D. ANDREWS: You are hearthy ammonded and reputred to

JOSEPH D. ANDRE VS and JAMES MCNEICE—Summons for Relief. Corn. not Ser. — To the defendant, JOSEPH D. ANDREWS: You are hereby summoned and required to newer the complaint in this action, which was on the lith day of November 1934, filed in the office of the Clerk of the wherehers, at their office, No. 31 Well at Jimucey-co-New York, within twenty days aim the service of the su-mense or you exclusive of the day of such service; and if y fall to answer the said complaint within the time aforesaid, it plaints in this action will apply to the Court for the relief, manded in the complaint—Duted Nov. II, 1854.

MANN. RODAN & PIERSON.

Plaints Attorney

SUPREME COURT. - FRANCIS C. HALL D against JOHN LEWIS Summons for demand or con-tract. To DEFEND ANT-Sirt You are hereby summoned to shawer the complaint in this action, and serve a copy of your survey or me, at Elliotsville, Cataracara County, New York, within twenty days after the service horses?

SUPREME COURT.—In the matter of the

New-York Daily Tribune.

M'CORMICK'S REAPER PATENT CASE.

ARGUMENT OF WILLIAM H. SEWARD, delicered or Albany, N. Y., Oct. 24, 1854, before the Circuit Court of the United States for the Northern District of New-York, and a Jury, on the trial of the case of CXRUS H. M'COR-MICK ts. WILLIAM H. SEYMOUR and DAYTON S. MORGAN, for infringement of M' Cormick's Patent for his Reaping Machine.
Gentlemen of the Juny: The subject which this

netion brings under consideration is the Resper-that wonderful machine, which, in these latter times seen moving quietly and steadily on, and laying the harvest-field bare, at the rate of an acre to the hour, in place of what was formerly seen-the farmer toilfully cutting up the stalks with a sickle, and depositing them on the ground by the armful. of those devices-as yet among the last and best of those great devices-by which the genius of man has been allowed, through the kindness of his Judge, to mitigate, and even to draw blessings to himself from the primeval sentence, "Cursed be "the ground for thy sake,"—" In the sweat of thy "face shalt thou cat bread, till thou return to the

It has given place to the perfect Resper of 1815. So, doubtless, it will be with the perfect Resper of 1815. It will, in ten, or twenty, or one hundred years, at least, be rolled away into that receptacle of hings lost on earth, which has already swallowed up the sickle and the cradle. So it is that through the ever-increasing, ever pressing wants of mankind, an all-wise Creator has secured the accomplishment of his chief design in regard to man—ELERSAL PROGRES.

We are now to examine the additions of 1845, which in the language of the courts, are called the new features of the Resper of 1834. In order to ascertain these new features, their peculiarity and their value, you must consider what we had in the Resper of 1834, namely: horses a car with its whoels and a platform, pinions and bands, a vibrating; a clie working through guard-flegers, a reel, and an imperfect separator of the swath to be entifron the grain which was to be left standing. The machine, thus constructed, worked well when the wheat was fully ripe and stood erset; and the raker, following in its path, with very severe labor drew off from the platform the grain as it was cut, and deposited it on the ground. But wheat in the field is not always fully and equally ripe, and is widon found strong and erset. The insect early enfeables the stalks—the wind bonds them to the right and to the left, and the rains beat them down, so that they become entangled, and, to use the farm er's expression, are lodged. Then, the imperfect Resper of 1834 did not separate them at the roots, and bring up to the sickle's edge the stalks within the swath, and did not discattangle and separate and put carefully outside the stalks growing without the swath, that they might be in a condition to cut on the next round of the machine. Consequently the entangled stalks obstructed and stopped the machine. The machine required to be cleared, and its track was marked by a trail of stalks, which, having oscaped the Reaper, were bent down, and could only be saved afterward by the u

afterward by the use of the sickle, and of the rake applied by hand.

Again, the labor of following the Reaper to draw off the grain taxed too severely the strength of the farmer. Two things were wanted. First, a man who should go closely before the Reaper, yet keeping out of its way. While he bent continually to ward the ground, he must place his hands under the stalks near the roots, raise them gently upward, separate them when entangled, place those growing in the Reaper's path within the roach of the reel which is to delive them to the guard-fingers, and at the same time he must press outward and gently iny aside the stalks which, growing outside of the track of the Reaper, are found inclining over it.

It is clear that such an agent to divide the wheat was wanted in the macine or 1834, because that ma-

was wanted in the macine or 1834, because that ma-chine, without that agent, is now free, and yet no farmer will use it, for the reason that he can now profarmer will use it, for the reason that he can now pro-cure one having such an agent, though at very con-siderable cost. Mr. M Cornick, indeed, could not make a breathing man to perform the labor that was thus required, and no living man could perform it. He, therefore, invented a mechanical man to perform that labor, and attached him to the machine. Where-ever the machine goes now, there that mechanical man goes before it, always stooping and lifting up, and discitateling and dividing the grain.

ever the machine goes now, there that mechanical man goes before it always stooping and lifting up, and discutangling and dividing the grain.

But the machine wanted another thing—a better rake to follow behind it, and yet able to be always with it, and draw the wheat from the platform as fast as it was cut. M Cornick supplied this want, in 1847, by arranging a position upon the car of the Resper upon which the raker might stand, with suitable supports for his person, and there perform the labor of raking the wheat from the platform. This was a still further addition to the Resper of 1834.

It is only with the first, however, of these additions that we have now to deal—that is to say, with the Divider, patented in 1845. If you will examine that Divider, you will find that it consists of several parts. First: A beam on the left side of the machine, and reaching out into the wheat.

Second: On the inside of that beam is an iron attached thereto, which enters the grain in the swarth to be out, under the fallen stalks, and, rising as the machine advances, bears those stalks upward and inward, so that they become disentangled and freed, and are brought within the tweep of the reat, which then presses them between the guardingers and against the teath of the vibration sickle.

and are brought within the fweety of the real, which then preses them between the guard-fingers and against the teeth of the vibrating sickle.

Third: On the outside of that same beam, and at the end of it, is a how extending back ward, bent outward like the human arm with its elbow, and rising to a shoulder as it returns to the beam opposite the real standard.

Standard. Fourth: The reel, which revolves in front of the sickle, and over the inside Divider, and receives the stalks as they are raised, and delivers them within the

stalks as they are raised, and delivers them within the guard-fingers.

You are not to suppose that it is claimed that every one of the four things which, thus arranged and combined, compose the Divider, was now. It would be no objection to the plaintiff's claim, that it was for a new combination of several things, all of which might have been known and used before. Every machine is a combination of parts. The human frame, the most wonderful of machines, is a combination of parts, many or which are not peculiar to man, but belong to a large portion of the animal creation. In the construction of machines, the parts are necessarily always old. Nature has furnished to us only savea mechanical powers, with which we perform all the operations of human industry. This piece of wood which I hold in my hand contains at least three of them. I beref two of its sides, at the end, and you see it becomes the wedge, an instrument which severa rocks. I lay the stick, thus, across another, and so procure a fulcrum, and now I have the lever. Archimedes said that, if he could only find a fulcrum, he would lift the world with a lever. Now I cut a winding crevice around the stick, and I have the serve—the most effective instrument for raising missive weights.

Let us new look at the parts of the Divider particu-

weights.

Let us new look at the parts of the Divider particularly. It is apparent that the projecting that part to be must be neither too short nor too long. If it be too short, it will not enter the grain sufficiently in advance of the sickle to divide it, and then the machine will be clogged. If it be too long, then the beam, working like the long arm of a lever, will be thrown on one side and on the other, and upward and downward, by the vibration of the machine, and make an unequal swath and break down the wheat. The inventor adopted a length of two and a half feet for this unequal swath and break down the wheat. The inventor adopted a length of two and a half feet for this projecting beam, and experience has shown that he was right. Look next at the insule dividing iron. It is attached at the end of the projecting boam. This entering the wheat at a distance of five or six inches above the roots, it rises backward toward the sinkle at an angle of some thirty dogrees, so as to bear up the stalks which it receives. At that elevation it reaches the sweep of the real. It then sinks, as it extends backward, so as to avoid being struck by the rest. Now look at the real. Its arms extend over the inside dividing iron, and, in their revolution, come within two inches of it, and thus receive the stalks which are raised up, and press them between the quard fingurs and against the sickle's edge; while at the same time the arms bear the stalks backward, so that they fall uniformly with their heads toward the rear of the platform.

enough to meet the end of the axis of the real in its new position. Thus he effected two things which seemed irreconcilable. He gave the necessary support to the reel in its advanced position, while he at the same time took the reel stand and entirely out of the ways of the dividing process. This is the second feature given to the Reaper of 1845 by the partent of 1845. It was not until it had received these two features that M Cormick's Reaper became, like the steam-engine, the cotton-gin and the railroad, an effective and beneficent agent of Human Progress and Civilization. These in provements of 1845 are exclusively the subjects of examination on this occasion.

You see that I do not speak of things outside, or of persons outside of this subject. I shall not speak of the plaintiff, otherwise than as the inventor, nor of the defendants, except in their relation to the subject nor of my learned adversaries, whom there is no cause to censure, and who, fortunately, need not to be praised; nor of my sarched adversaries, one of myself, because, while it would be in bad taste, it might misled. I shall make no appeal to your prejudities, or to your passions; but I shall address myself to your reason and understandings only. In that way, and not by asseverating my own convictions and sincerity, shall I show you the confidence I have in the merits of my cause, as well as the respect I entertain for you, and the firm reliance with which I repose on your candor and virtue. In this way we shall soon see which of the parties here it is, that, having put out upon a stormy sea, under broad canvass, without sufficient ballast, in a crazy vessel, shouting their definite back in answer to remonstratees from the shore, are now seen in distress, seizing planks and making signals, while, with bands unlifted, they cry out to the passers by: "Have pity on us, or we wisk."

Three questiens arise out of the subject which I have int described. First, Does the paintiff own

sink."
Three questions arise out of the subject which I Three questions arise out of the subject which I have just described. First, Does the plaintiff own these two additions to the Reaper! Secondly: Have the defendants appropriated either or both of those accidious to their own use? Thirdly: If the plaintiff does own those improvements, and if the defendants

accirions to their own used. Thirdly. If the plaintiff does own those improvements, and if the defendants have appropriated them to their own use, then the question will arise—not whether the plaintiff shall recover damages, but how much damages shall the plaintiff recover?

First: Does the plaintiff own those additions to the machine of 1834? The defendants assert, in the first instance, that whoever may have made those additions, they are not really inventions for which apatent could lawfully be granted; that they are only mechanical alterations, which could have cost no study and no labor. Certainly, if the additions are not real inventiors, the plaintiff cannot own them within the meaning of the law. The allegation of the defendants is, that they are simple. But their simplicity is not evidence that they are not inventions. On the contrary, it is the best evidence that they possess that character. All the processes of Nature are simple. "Nature understood, there are no mysteries." Nature has a capacious store house of secrets which she is as making to give up as the inventor is to obtain them. She prescribes for him only one law to requisite his search, name by, to remember that she works always with simplicity and directness.

"To build—to claim, whethere you intend—To rear the column, or the arch to build—To well the terrace, or to sink the greet. In all let Nature never be forget."

To rear the column, or the arch to b ad-To swell the terrace, or to sink the grot, In all let Nature never be forgot.

To swell the terrace, or to sink the gret, Is all let Nature ever be forget.

The learned counsel tell you that the machine of 1834, without these additions, was so nearly perfect, that it was only a blunder of the inventor to send it out into the world without them: and that consequently the additions of 1845. According to this proposition, if a man extorts only one useful secret from Nature, he is a worse blockhead than another is who makes no discovery at all. The Marquis of Worcester discovered that the expansive force of steam could be applied as a hydraulic nower. It was a blunder of his that he failed to perfect the stationary engine. James Watt, it has been thought, made a useful discovery, when he perfected the steam-cogine as a stationary power. Nevertheless he was a blunderer, because he left it to Robert Fallon to adapt that engine to purposes of navigation, and so convert it into a mighty marine power. Franklin, according to this theory, is to be considered more for not having invested the electric telegraph, than he

adapt that engine to purposes of marigation, and so convert it into a mighty marine power. Franklin, according to this theory, is to be censured more for not having invented the electric telegraph, than he is to be commended for having discovered the identity of lightning with electricity, and for having constructed the lightning rod. Cyrus H. M. Cormick, it is confessed, talk within the same class. He has studied in the same school with those venerated blunderers. Deal tenderly with him, gentlemen, in consideration of the bad examples which were thus set before him.

I think now that we may assume that the improvements of 1845 are real inventions. The plaintiff has proved that he is the owner of them. He has proved it by his patent, which is sufficient for him to rest upon. It is for the defendants to overthrow that proof. They aver that they will prove the contrary. In this they are too late to gain your considence. They have already admitted the fact which they now assume to deav. They have admitted and affirmed it so often and so strongly, that you will scarcely believe their capial, even though they shall prove it true. The defendants, in 1845, took a livense from the inventer to make the Reaper of 1834, with these identical additions or features of 1835. They paid him \$22.50 license-fee on each machine they so made, and they made and sold no less than three brundered of said machines on those terms. Thus shey obtained for themselves, from the public, \$15,000, while they collected from the public, and paid to the Patentee. \$6.750. They gathered both these sums from the public, by assuring them that Cyrus H. M. Cermick was the inventor and owner of these very additions of 1845. After this transaction was past, M. Cermick was the inventor and owner of these very additions of 1845. After this transaction was past, M. Cermick was the inventor and owner of these very additions of 1845. Offer this transaction was past, M. Cermick was the inventor and owner of these very additions of 1845. Offer this transaction them how we are to distinguish whenter the defend-ants spick truly to the public when they got the first \$15,000, or whether they are speaking truly now when they are contradicting what they then said, to get another sum of \$15,000. It would especially like to hear these learned casuists upon the question whether the defendants can be allowed to deny M Cormick's property in the improvements now, without their first retuneing the \$15,000 they obtained by affirming that recovery heart-of-gre.

the formed for hymer's selection contents of the content of the content of the plant for the content of the plant form of the plant of the stalk which is received and that elevation in relation to the market. It brings wheat from the prairies of Michigan Illinois, indians and Westonian while it permits the banks of the Hubban and here of the plant of the

"principal for principal beautiful or delicated by the principal principal annual relations of

ceived by men who, although not lacking fortility

ceived by men who, although not backing fartibity of genius, yet have not the vigor of mind requisite to mature their inventions.

The first of these abortions exhibited here, is presented in the form of a picture and description of a Reaper got up by the Rev. Patrick Boll, contained in London's Encyclopedia, published in 1-31. You will remember the author's remosts in heralding this supposed invention, namely, that there was as yet no Mechanical Reaper, unless this one should prove successful. Mr. Bell's projected machine certainly, did not contain the new testure of M Cornick. The Divider, consisting of the sharpened beam, the outside box, and the inside dividing iron cooperating with the rech was not in Bell's machine. For, as you can see, Bell had no divider at all—but only the outside blade of the series of shear-blades which consistured his cutting instrument. The Reel in Bell's machine did nothing towards dividing the swalt from the grain to be seft stassing. Indeed, there was no such thing as dividing to be done, and the fauchon of the Reel of Bell was merely to incline the heads of the Reel of Bell was merely to incline the heads of the stalks backwards, so that they might fall apon a revolving endless apren, which seposited them upon the ground. No lifting up, disentangling or parting of the grain was attempted. But it is not necessary to press this inquiry fauther. The descolating or parting of the grain was attempted. But it is not necessary to press this inquiry fauther. The descolating or parting of the grain was attempted. But it is not necessary to press this inquiry fauther. The descolating or parting of the grain and divies, so, of course the real standard hell none and could have none. But Bell's project was a failure. His machine has not the same office to perform as M Cormick's, and, therefore, that its position in relation to the different assure that the real in Bell's machine has not the same office to perform as a failure. His machine, so, of course the real standard hell none and could

another outward. Of course, it left the scalks entargled, broke them, and crushed them upon the ground. Schnebley's Reel (lant no aid to the dividing process, and had no adaptation to such a purpose, either in its position or in its form of construction. In its position it did not overlap the grain at the point of division, and, instead of having flat arms, lake M Cosmick's reel, it was a barrel, with alternate staves removed. Such a reel, instead of aiding to separate the grain, would necessarily beat it down as it passed through. Only one or two machines were ever made upon this plan, and of these not one remains in operation, as its inventor informs us in his deposition. What caused it to lie! Want of favor from capital, as we are informed on the same authority. The inventor thought capital capital capitalost. He offered her a steam-engine, but she rejected it with disdain. Capital was prejucied, not against Schnebley's machines, but against Schnebley. He invented a printing prees, and had it at the feet of capital. Capital looked on the printing prees, and then on Schnebley, and enferred the invention to go the way of all mechanical field.

The defenduris have next brought Woodward's projected machine before us. Like Schnebley's, it had an attempt at a Divider—a horizontal weege, four and a half inches wide, with a vertical piece about an inch thick, set upon the wedge. But the point of this divider was set on a hinge, and so was acjustable to the right or to the left. The object of this adjustability was to calarge or diminish the swath. For aught I know, it might have been useful. If it was so, it was an invention; but even then it was not the defendants Parader of 1845. Except in its anjustibility, it was M Cormick's Diender of 1834, and nothing more. This machine also proved a failure. Why! The inventor was a visionary. He attached a car behind the Reaper, with a pilot, helm and rudder, to steer the machine around the harvest-field. How unfortunate wes it for the inventor and for his country that the un

"When beaven was all trangullity."

But to be serious. In Wood ward's patent, which bears date September 30, 1845, eight mouths after the plaintiff's patent, no Reel is at all described or repre-

plaintin's patent, no Reel is at all described or represented.

Again, the vertical board is not found in the patent, and is placed upon the machine now from the memory of Mr. Lawrence, who drew the specification. The patent impeaches his memory, if not his veracity. Once more. The vertical board did not extend to the end of the horizontal wedge, as indeed it could not, because the end of that wedge was set upon a hinge. The divider, therefore, was not only altogether different from M Cormick's improved Divider of 1815, but was really inferior in effect to the Divider in M-Cormick's patent of 1834.

The defendants next offer a Reaper invented by Jonathan Reed. The inventor appears here, first, by letters patent, and secondly, in person as a witness. In person, he claims he had a vertical board, set upon a horizontal beam, some what like Woodward's, and even like McCormick's in his patent of 1834. But, even in that case, it is conceded that he had no such acjustment of the Keel, and no such inside dividing iron, and no such outside bow as are found in M-

counsel have insisted that it appears counsel have insisted that it appeared, from Roed's testimeny, that the outside projection of the beam on which the vertical board rested, had an upward inclination corresponding in principle of construction to the outside bow in M Cormick's patent of 1845; but the confrary appears from his cross-examination. He says he thinks the point of the beam was a little lower, if anothing. Reed is an honest, and a very old man. He has survived his invention many years. While his memory is impaired, he has firmly resisted the ingenieus efforts of counsel to swerve him from the truth.

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Resper without any Dender at all. The defendant counced have insided that it appeared, from Red at the council in middle that the counted to the theory of the board on which the vertical board projection of the board on which the vertical board projection of the board on which the vertical projection of the board of the counter of the counter of the counter of the board of the bo

to distinct the position, and we construct the state of their lands with the not without foundation. They have in their lands with the land like the use of the plain in the inventers. It they triumph is will be by mass a fundamental to the plain in the same matters. It they triumph is will be by mass a fundamental property before the press of the same matters. It they triumph is will be by mass a fundamental property before the press of the same matters. It they triumph is will be the press of the same matters. It they triumph is the matter the plain in the bring this action. They employed the press of this State and of chief states of distriction and disparage into the bring the same of the concrety. If you leave that \$\phi_0 for in their position in all the far were of the concrety. If you leave that \$\phi_0 for in their position the plaintid's matchine. The defect danks in their libelions upitications, eliquidate to supply the farmers with the plaintid's matchine. The defect danks in their libelions upitications, eliquidate the plaintid's as Virginias, and his metable as a Virginia bumble. The defect danks in their libelions upitications, eliquidate the plaintid's as Virginias, and his metable as a Virginia humble. The defect danks in their libelions upitications, eliquidate libelions as Virginias, and his metable as a Virginia humble in the hire is New York, I am sure, that there will be one simulated in justice for the Virginias, and activate of Commetter as Northern zons, encicled the Southern States by deviable and delivering to them an automaton, which picked the sout ran the cotton had and prepared the clean there for the apin cle.

Contrasant juries in these States denied him the refere a which he was entitled for unlawfur to clean with the way entitle for unlawfur to clean with the way to the formation to the property in the construction of his patiented rights. South Caroline to her leading the clean the way the form of this automaton, each the clean him we had been propertied on the scalar action

The trial resulted in a verdict for the plaintiff, for

ACKNOWLEDGMENTS.—The Managers of the Home for the Friendless, No. 22 East Thirtieth st., tender their grateful acknowledgments to the following, among other City donors, for their generous sid in providing an excellent Thruzs eving Diamer for some 200 of their benedicivies, commetted with the Home of the Friendless and Home Industria School. Reserved on Thankegiving day, from the St. Strholas Hotel, I pair dricks, 5 pieces roses park, 2 builded least of metters, I harpe place of boof, I roses turkers, from New York Hotel, 5 large plane puddings, from Collisamer Homes, 2 turkeys, from New York Hotel, 5 large plane puddings, from Collisamer II former, 2 turkeys, from Jupier Coming, Eq., 5 turkeys, 16 Burrell, 8 farge factors, W. vanderpool, a backet of appless, Mrs. Nailers, 2 hanna; Mr. James Ford, I gain chickets, I tanket of meat and I backet of vegitables Mrs. James Brown, I just of chickens, I tarkey, I rested to be of Mrs. Dr. Hallock, I turkey and a based of appless, Mrs. Dr. Hallock, I turkey and a based of appless, Mrs. Present chieffer, 8 piece and I turkers, I have by Saleet, 4 chickens, Mrs. are, Park & Tillord, Sixth av., I have Sixth Humblin and Mrs. Homes Homes of cake, Mrs. N. P. Balley, I turkey and I have not be for the middle and the present of chickens of chickens of chickens of chickens of chickens of chickens, Mrs. R. N. Waldoor, 2 besides of only a friend, a packens on ten and a paccel of cake, Mrs. Parage backet of cake and a packet of cake and the country of the properties of chickens of friends, 2 pieces for the packens of the and a packet of cake and the packens of cake and a packet of cake and the country of the packet of cake and the packets of cake and the country of the packets of cake and the country of the packets of cake and the country of cake.